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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,197	07/22/2005	Oliver Hartkopp	101215-192	5509
27387	7590	03/05/2008	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			LESPERANCE, JEAN E	
			ART UNIT	PAPER NUMBER
			2629	
			MAIL DATE	DELIVERY MODE
			03/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/543,197	HARTKOPP, OLIVER
	<b>Examiner</b>	<b>Art Unit</b>
	JEAN E. LESPERANCE	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 11/4/05.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. The preliminary amendment filed July 22, 2005 is entered and claims 1-20 are pending.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on November 4, 2005 was filed after the mailing date of the application on January 21, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, and 19-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over USPN 6,211,861 by Rosenberg et al.

Regarding claim 1, Rosenberg et al. teach a rotary actuator can be used to output a torque in a rotary degree of freedom on a shaft, which is converted to linear force and motion through a transmission (column 10, lines 43-45), the actuator Fig.4 (18) is coupled to a display device Fig.4 (26), and the term "tactile sensation" refers to either a single force or a sequence of forces output by the actuator 18 which provide a sensation to the user (column 11, lines 55-57) wherein the force feedback mouse Fig.4 (12) representing the control device .

Regarding claim 2, Rosenberg et al. teach the host could implement program functions (such as displaying images) when appropriate, and synchronization commands can be communicated between the microprocessor and host 18 to correlate the microprocessor and host processes (see Fig.4).

Regarding claim 3, Rosenberg et al. teach the screen display Fig.5 (26) as a display device is divided into display areas 150 and 152 as field displays.

Regarding claim 4, Rosenberg et al. teach a switch Fig.4 (132) coupled to the display device 26 which display the screen display Fig.5 (26) having field displays 150 and 152.

Regarding claim 5, Rosenberg et al. teach a switch Fig.4 (132).

Regarding claim 6, Rosenberg et al. teach the screen display Fig.5 (26) wherein display areas 150 and 152 are graphic object.

Regarding claim 7, Rosenberg et al. teach the screen display Fig.5 (26) wherein display areas 150 and 152 are images.

Regarding claim 8, Rosenberg et al. teach the magnet portion 82 is grounded and the bobbin 84 is moved relative to the magnet portion. In other embodiments, the bobbin 84 can be grounded and the magnet portion 82 can be moved. Magnet portion 82 includes a housing 88 made of a metal such as steel. A magnet 90 is provided within the housing 88 and a pole piece 92 is positioned on magnet 90 (see Fig.3a).

Regarding claim 9, Rosenberg et al. teach the force feedback mouse Fig.4 (12) including a hollow body with an opening wherein the mouse ball comes out.

Regarding claims 10 and 11, Rosenberg et al. teach a user can move mouse 12 to provide planar two-dimensional input to a computer system to correspondingly move a computer generated graphical object, such as a cursor or other image, in a graphical environment provided by computer 14 or to control a virtual character, vehicle, or other entity in a game or simulation (see Fig.1).

Regarding claim 12, Rosenberg et al. teach the force feedback mouse Fig.4 (12) as a control device wherein the user must continually activate or close safety switch 132 during operation of mouse 12 to enable the actuator 18.

Regarding claim 13, Rosenberg et al. teach a mouse 12 preferably includes an actuator 18 which is operative to produce forces on the mouse 12 (see Fig.1).

Regarding claim 14, Rosenberg et al. teach a switch Fig.4 (132) to operate the control device which is the mouse (12).

Regarding claim 15, Rosenberg et al. teach a switch Fig.4 (132) to operate the control device which is the mouse (12) wherein when the switch is operated correctly the cursor is able to navigate on the display screen Fig.5 (26).

Regarding claim 19, Rosenberg et al. teach a display screen Fig.5 (26).

Regarding claim 20, Rosenberg et al. teach Display device 26 can be included in host computer 14 and can be a standard display screen (LCD, CRT, flat panel, etc.), 3-D goggles, or any other visual output device (see Fig.5).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2629

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,211,861 ("Rosenberg et al.") in view of USPN 6,337,678 ("Fish").

Regarding claim 16-18, Rosenberg et al. teach all the claimed limitations with the exception of providing a touch sensor. However, Fish teaches An XY cable 118 is provided to couple XY sensor 116 to an XY interface (not shown), to be described later. XY sensor 116 may be implemented using, for example, a four wire resistive film touch sensor (see Fig.1). Thus it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the touch sensor as taught by Fish in the system disclosed by Rosenberg because this would allow the control device to be manipulated with hands.

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the ably examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shalwala Bipin, can be reached on (571) 272-7681.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2629

**or faxed to:**

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.

Jean Lesperance



Art Unit 2629

Date 2/26/2008



BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600